

SOMMERS LAW GROUP
STEPHEN A. SOMMERS (SBN 225742)
870 Market Street, Ste. 1142
San Francisco, CA 94102
(415) 839-8569 (Tel)
(415) 956-0878 (Fax)

Attorney for Plaintiff
PAUL MONTWILLO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL MONTWILLO,

Plaintiff

v.

WILLIAM TULL; DANIEL GIBBY; GIBBY
NOVELTIES LLC dba ARSENIC & APPLE
PIE, a California Limited Liability Corporation,
and DOES 1 through 20 inclusive,

Defendants

Case No.: C 07 3947 SI

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' EX PARTE
APPLICATION FOR ORDER
SHORTENING TIME RE: MOTION TO
CONTINUE PRE-TRIAL
CONFERENCE AND TRAIL DATES**

Hearing Date: No date set
Time: NA
Courtroom: 10
Judge: Hon. Judge Illston

Complaint filed: August 1, 2007
Trial Date: June 30, 2008

Plaintiff hereby opposes Defendants Ex Parte Application for and Order Shortening Time for hear Defendants' Motion to Continue Pretrial Conference and Trial Dates Pursuant to Local Rule 6-3.

Defendants rely upon the Court's June 2, 2008 Order Denying Cross-motions for Summary Judgment and Defendants' Motion to Compel Expert Report, arguing that Defendants have an inadequate amount of time to prepare for the pretrial conference and trial.

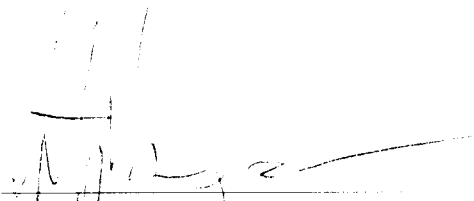
In response to Defendants' Motion to Compel Expert Report, Plaintiff has withdrawn his expert witness, rendering Defendants' Motion moot. Further, since Defendants' Motion to

MONTWILLO v. WILLIAM TULL (ET AL)

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1 Compel Expert Report is moot, the basis upon which Defendants rely for its Ex Parte
2 Application to Shorten Time, and the basis for the underlying Motion for a Continuance of
3 Pretrial Conference and Trial are significantly alleviated. ✓

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6 DATED: June 6, 2008


STEPHEN A. SOMMERS
Attorney for Plaintiff
PAUL MONTWILLO

AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE

I, the undersigned, am employed in the County of San Francisco; I am over the age of eighteen years and not a party to the within action.

I am employed by the Sommers Law Group, 870 Market Street, Suite 1142, San Francisco, California 94102.

On June 6, 2008, I served the following document(s) entitled:

PLAINTIFF'S OPPOSITION TO DEFENDANTS' EX PARTE APPLICATION FOR
ORDER SHORTENING TIME RE: MOTION TO CONTINUE PRE-TRIAL
CONFERENCE AND TRAIL DATES

on the interested parties in this action by mailing a true and accurate copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, and by causing such envelope to be deposited in the mail at 870 Market Street, Suite 1142, San Francisco, California 94102, addressed as follows:

David Wong
100 Shoreline Highway, Suite 100B
Mill Valley, CA 94941

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing with the United States Postal Service; it is deposited with the United States Postal Service on that same day in the ordinary course of business.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 6, 2008

San Francisco, California


Stephen Sommers
SOMMERS LAW GROUP